

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:07-CR-60 JCM (VCF)

Plaintiff(s),

ORDER

v.

LANCE GRANDBERRY, et al.,

Defendant(s).

Presently before the court is defendant Laurice McCurdy's ("defendant") motion to vacate restitution. (ECF No. 229). The United States of America ("the government") filed a response (ECF No. 233), to which defendant did not reply.

Defendant requests this court vacate his outstanding restitution balance of \$34,118.22. (ECF No. 229). Defendant's request is predicated on the current COVID-19 pandemic, his inability to find employment, and the fact that defendant is the primary caregiver for his mother. *Id.* The government opposes the motion, noting that restitution was and is statutorily required under the Mandatory Victims Restitution Act of 1996. (ECF No. 233 at 3 (citing 18 U.S.C. §§ 3663A–3664)). Defendant does not present a cogent legal argument to support the notion that his restitution order can be corrected, modified, adjusted, or vacated. (*See* ECF No. 229).

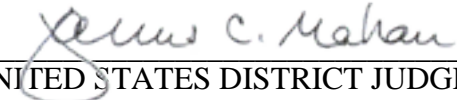
Notably, the government does not oppose modifying defendant's payment schedule in light of his economic circumstances. (ECF No. 233 at 4–5). The government represents that defendant has already contacted the Financial Litigation Unit, which provided him with guidance to adjust his payment schedule. *Id.*

The court denies defendant's motion, but notes that defendant may adjust his payment schedule with the government and petition this court to modify that schedule if necessary.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to
3 vacate restitution (ECF No. 229) be, and the same hereby is, DENIED.

4 DATED July 17, 2020.

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6 UNITED STATES DISTRICT JUDGE